

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELAICHI ELBOUTE,

Plaintiff,

-against-

HIGHGATE HOTELS, L.P./OYO HOTEL  
TIMES SQ,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/2/2023

22-cv-7609 (MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from the *pro se* Plaintiff dated February 1, 2023. [See ECF No. 13.] Pursuant to this Court's Individual Rules of Practice, it was not necessary for Plaintiff to respond to Defendant's pre-motion letter. See Individual Rule 4Aii. Plaintiff may file an opposition brief to Defendant's motion to dismiss on the briefing schedule outlined in the Court's January 24, 2023 Order. [See ECF No. 12.] Plaintiff may request an extension of time to file his opposition brief, in the event that one is needed.

"[T]here is no constitutional right to appointed counsel in civil cases. Moreover, due to the scarcity of volunteer attorneys, the Second Circuit has cautioned against the routine appointment of *pro bono* counsel in civil cases." *Serrano v. Helmsley Park Lane Hotel*, No. 06 CIV 6267 RMB, 2007 WL 1412315, at \*2 (S.D.N.Y. May 11, 2007) (citation omitted). However, if Plaintiff seeks the appointment of counsel, he may file a motion for counsel on or before March 6, 2023. The briefing schedule on Defendant's anticipated motion to dismiss will **not** be stayed in the meantime.

Plaintiff may also consider contacting the New York Legal Assistance Group's (NYLAG) Legal Clinic for Pro Se Litigants in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves in civil lawsuits in this Court. The clinic is currently **only** available by telephone.

Plaintiff should also note that, per the Court's Mediation Referral Order, the Court will attempt to locate *pro bono* counsel to represent Plaintiff at mediation. [See ECF No. 14.]

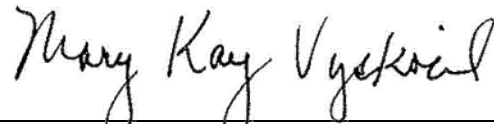
In addition, parties proceeding *pro se* are encouraged to submit all filings by email to [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov). Instructions for filing by email are located at <https://nysd.uscourts.gov/forms/instructions-filing-documents-email>. *Pro se* parties also are encouraged to consent to receive all court documents electronically. A [consent to electronic service form](#) is available on the Court's website. *Pro se* parties who are unable to use email may submit documents by regular mail or in person at a drop box at one of the designated courthouse locations in Manhattan (500 Pearl Street) or White Plains (300 Quarropas Street). For more information, including instructions on this new email service for *pro se* parties, please visit the Court's website at <https://www.nysd.uscourts.gov>.

Further, Defendants are reminded of their obligation to serve Plaintiff by mail with copies of all of their filings.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

**SO ORDERED.**

**Dated: February 2, 2023**  
**New York, New York**



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**MARY KAY VYSKOCIL**  
**United States District Judge**